

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

KATHLEEN ANNE OLSON
18021 Northwood Drive
Jamul, California 91935

**Registered Nurse License No. RN 251923
Nurse Practitioner License No. 2616
Nurse Practitioner Furnisher License No.
2616
Public Health Nurse License No. 22252**

Respondent.

Case No. 2007-274

OAH No. L2007100093

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 27, 2008.

It is so ORDERED March 27, 2008.

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FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

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15 **Nurse Practitioner License No. 2616**
16 **Nurse Practitioner Furnisher License No.**
2616
17 **Public Health Nurse License No. 22252**

18 Respondent.

Case No. 2007-274

OAH No. L2007100093

STIPULATED SURRENDER OF
LICENSES AND ORDER

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
21 proceeding that the following matters are true:

22 PARTIES

23 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
26 by Antoinette B. Cincotta, Deputy Attorney General.

27 2. Kathleen Anne Olson (Respondent) is representing herself in this
28 proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about March 12, 1975, the Board of Registered Nursing issued Registered Nurse License No. RN 251923 to Kathleen Anne Olson (Respondent). The Registered Nurse License will expire on November 30, 2008, unless renewed.

4. On or about March 31, 1975, the Board of Registered Nursing issued Nurse Practitioner License No. 2616 to Kathleen Anne Olson (Respondent). The License expired on November 30, 2008, unless renewed.

5. On or about February 25, 1993, the Board of Registered Nursing issued Nurse Practitioner Furnisher License No. 2616 to Kathleen Anne Olson (Respondent). The License expired on November 30, 2006, and has not been renewed.

6. On or about February 20, 1976, the Board of Registered Nursing issued Public Health Nurse License No. 22252 to Kathleen Anne Olson (Respondent). The Registered Nurse License will expire on November 30, 2008, unless renewed.

JURISDICTION

7. Accusation No. 2007-274 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 5, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-274 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

8. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2007-274. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

9. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to

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1 reconsideration and court review of an adverse decision; and all other rights accorded by the
2 California Administrative Procedure Act and other applicable laws.

3 10. Respondent voluntarily, knowingly, and intelligently waives and gives up
4 each and every right set forth above.

5 CULPABILITY

6 11. Respondent admits the truth of each and every charge and allegation in
7 Accusation No. 2007-274, agrees that cause exists for discipline and hereby surrenders her
8 Registered Nurse License No. RN 251923, her Nurse Practitioner License No. 2616, her Nurse
9 Practitioner Furnisher License No. 2616, and her Public Health Nurse License No. 22252 for the
10 Board's formal acceptance.

11 12. Respondent understands that by signing this stipulation she enables the
12 Board to issue an order accepting the surrender of her Registered Nurse License, her Nurse
13 Practitioner License, her Nurse Practitioner Furnisher License and her Public Health Nurse
14 License without further process.

15 CONTINGENCY

16 13. This stipulation shall be subject to approval by the Board of Registered
17 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
18 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
19 and surrender, without notice to or participation by Respondent. By signing the stipulation,
20 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
21 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
22 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
23 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
24 between the parties, and the Board shall not be disqualified from further action by having
25 considered this matter.

26 14. The parties understand and agree that facsimile copies of this Stipulated
27 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
28 and effect as the originals.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. RN 251923, Nurse Practitioner License No. 2616, Nurse Practitioner Furnishing License No. 2616, and Public Health Nurse License No. 22252 issued to Respondent Kathleen Anne Olson are surrendered and accepted by the Board of Registered Nursing.

16. The surrender of Respondent's Registered Nurse License, Nurse Practitioner License, Nurse Practitioner Furnishing License and Public Health Nurse License and the acceptance of the surrendered licenses by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

17. Respondent shall lose all rights and privileges as a registered nurse, a nurse practitioner, a public health nurse and a nurse practitioner furnisher in California as of the effective date of the Board's Decision and Order.

18. Respondent shall cause to be delivered to the Board her Registered Nurse License wall and pocket license certificates, her Nurse Practitioner License wall and pocket license certificates, her Nurse Practitioner Furnishing License wall and pocket license certificates, and her Public Health Nurse License wall and pocket license certificates on or before the effective date of the Decision and Order.

19. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2007-274 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

1 20. Upon reinstatement of any of the licenses, Respondent shall pay to the
2 Board costs associated with its investigation and enforcement pursuant to Business and
3 Professions Code section 125.3 in the amount of \$3,629.75. Respondent shall be permitted to
4 pay these costs in a payment plan approved by the Board.

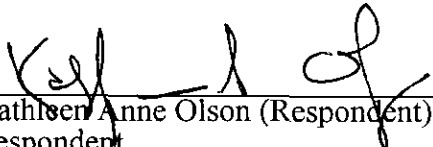
5 21. Should Respondent ever apply or reapply for a new license or certification,
6 or petition for reinstatement of a license, by any other health care licensing agency in the State of
7 California, all of the charges and allegations contained in Accusation, No. 2007-274 shall be
8 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
9 Issues or any other proceeding seeking to deny or restrict licensure.

10 22. Respondent shall not apply for licensure or petition for reinstatement for
11 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

12 ACCEPTANCE

13 I have carefully read the Stipulated Surrender of License and Order. I understand
14 the stipulation and the effect it will have on my Registered Nurse License, Nurse Practitioner
15 License, Nurse Practitioner Furnishing License, and Public Health Nurse License. I enter into
16 this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and
17 agree to be bound by the Decision and Order of the Board of Registered Nursing.

18 DATED: 1/25/08.

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21 Kathleen Anne Olson (Respondent)
Respondent

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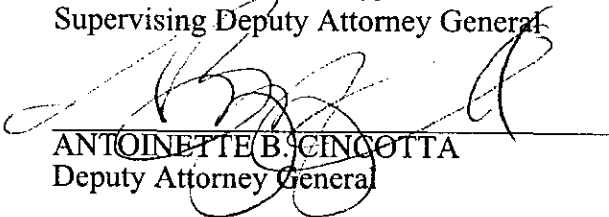
ENDORSEMENT

The foregoing Stipulated Surrender of Licenses and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 1/28/2008

EDMUND G. BROWN JR., Attorney General
of the State of California

LINDA K. SCHNEIDER
Supervising Deputy Attorney General



ANTOINETTE B. CINCOTTA
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2006802763
80190209.wpd

Exhibit A
Accusation No. 2007-274

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of the State of California
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2007-274

KATHLEEN ANNE OLSON
18021 Northwood Drive
Jamul, California 91935

ACCUSATION

**Registered Nurse License No. RN 251923
Nurse Practitioner License No. 1975
Nurse Practitioner Furnishing License No. 2616
Public Health Nurse License No. 22252**

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

License Histories

2. On or about March 12, 1975, the Board issued Registered Nurse License Number RN 251923 ("license") to Kathleen Anne Olson ("Respondent"). The license expired on November 30, 2006, and has not been renewed.

1 3. On or about March 31, 1975, the Board issued Nurse Practitioner License
2 Number 1975 to Respondent. The license expired on November 30, 2006, and has not been
3 renewed.

4 4. On or about February 25, 1993, the Board issued Nurse Practitioner
5 Furnishing License Number 2616 to Respondent. The license expired on November 30, 2004,
6 and has not been renewed.

7 5. On or about February 20, 1976, the Board issued Public Health Nurse
8 License Number 22252 to Respondent. The license expired on November 30, 2006, and has not
9 been renewed.

10 **STATUTORY PROVISIONS**

11 6. Section 2750 of the Business and Professions Code ("Code") provides, in
12 pertinent part, that the Board may discipline any licensee, including a licensee holding a
13 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
14 section 2750) of the Nursing Practice Act.

15 7. Code section 2764 provides, in pertinent part, that the expiration of a
16 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
17 against the licensee or to render a decision imposing discipline on the license. Under Code
18 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
19 years after the expiration.

20 8. Code section 118, subdivision (b), provides that the suspension,
21 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
22 proceed with a disciplinary action during the period within which the license may be renewed,
23 restored, reissued or reinstated.

24 9. Code section 2761 states, in pertinent part:

25 The board may take disciplinary action against a certified or
26 licensed nurse or deny an application for a certificate or license for any of
27 the following:

27 (a) Unprofessional conduct, . . .

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14. **DRUG**

"Ambien" is a brand of Zolpidem Tartrate, a Schedule IV controlled substance, as designated by Health and Safety Code section 11057.

"Ativan" is a brand of Lorazepam, and is a Schedule IV controlled substance, as designated by Health and Safety Code section 11057, subdivision (d)(13).

"Dilaudid," is a brand of Hydromorphone, a Schedule II controlled substance, as designated by Health and Safety Code section 11055, subdivision (b)(1)(K).

"Flexeril," is a brand name for Cyclobenzaprine, a dangerous drug within the meaning of Code section 4022, in that it requires a prescription under federal law.

"Morphine Sulfate (MS)," is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(M).

"Vicodin," a compound consisting of 5 mg. hydrocodone bitartrate, also known as dihydrocodeinone, and 500 mg. acetaminophen per tablet, is a Schedule III controlled substance, as designated by Health and Safety Code section 11056, subdivision (e)(4).

FIRST CAUSE FOR DISCIPLINE

**(Obtained, Possessed, and Self-Administered Controlled Substances
and/or a Dangerous Drug)**

15. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a), in that while licensed and employed as a registered nurse, Respondent committed the following acts:

Mountain Health & Community Services, Inc. ("MHCS")

a. Between February 24, 2006, and March 14, 2006, at Mountain Health & Community Services, Inc. ("MHCS"), in Jacumba, California, Respondent obtained an unknown quantity of controlled substances, by fraud, deceit, misrepresentation or subterfuge by writing unauthorized prescriptions in her roommate's name, Deborah Bower, who was not a patient of MHCS, and submitting the prescriptions for filling at local pharmacies for her own personal use, in violation of Health and Safety Code section 11173, subdivision (a), as follows:

Pharmacy - Sav-On Pharmacy, El Cajon, California

<u>Prescription Date</u>	<u>Prescription Drug</u>	<u>Quantity</u>	<u>Patient</u>
02/17/06	Vicodin	#30	Deborah Bowers
02/17/06	Flexeril	#30 10 mgs.	Deborah Bowers

Pharmacy - Rite-Aid Pharmacy, El Cajon, California

<u>Prescription Date</u>	<u>Prescription Drug</u>	<u>Quantity</u>	<u>Patient</u>
02/24/06	Vicodin	#30	Deborah Bowers

b. On or about February 17, 2006, and February 24, 2006, Respondent possessed unknown quantities of Vicodin, a controlled substance, and Flexeril, a dangerous drug, without a valid prescription, in violation of Code section 4060.

c. On or about February 17, 2006, and February 24, 2006, Respondent self-administered unknown quantities of Vicodin, without lawful direction.

d. On or about February 17, 2006, Respondent self-administered Flexeril, without lawful direction.

Sharp Grossmont Hospital

e. Between February 7, 2005, and February 14, 2005, at Sharp Grossmont Hospital, in La Mesa, California, Respondent obtained unknown quantities of Dilaudid, Morphine Sulfate, and Ambien, controlled substances, for her own personal use, by fraud, deceit, misrepresentation or subterfuge by obtaining the drugs from hospital supplies, in violation of Health and Safety Code section 11173, subdivision (a), as set forth in paragraph 16, below.

f. Between February 7, 2005, and February 14, 2005, Respondent self-administered unknown quantities of Dilaudid, Morphine Sulfate, and Ambien, without lawful direction.

SECOND CAUSE FOR DISCIPLINE

(Incorrect and/or Inconsistent Entries in Hospital and/or Patient Records)

16. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (e), in that between February 7, 2005, and February 14, 2005, while on duty as a

1 registered nurse at Sharp Grossmont Hospital, in La Mesa, California, Respondent made grossly
2 incorrect or grossly inconsistent entries in hospital and/or patient records in the following
3 respects:

4 **Patient 1**

5 a. On February 14, 2005, at 2219 hours, Respondent withdrew one
6 2 mg/1 ml. ampule of Morphine Sulfate, a controlled substance, from the Pyxis^{1/} machine.
7 Respondent failed to chart the administration or wastage or otherwise account for the disposition
8 of the 2 mg/1 ml. ampule of Morphine Sulfate in any patient or hospital record

9 b. On February 15, 2005, at 0051 hours, Respondent withdrew one
10 2 mg/1 ml. ampule of Dilaudid, a controlled substance, from the Pyxis machine without a
11 physician's order therefor. Respondent charted the administration of 1 mg. of Dilaudid in the
12 Medication Administration Record for this patient. However, Respondent failed to account for
13 the disposition of the remaining 1 mg. of Dilaudid in any patient or hospital record.

14 **Patient 2**

15 c. On February 14, 2005, at 2022 hours and 2025 hours, Respondent
16 withdrew one 2 mg/1 ml. ampule of Dilaudid, a controlled substance, each time from the Pyxis
17 machine without a physician's order therefor. Respondent charted the wastage of 1 mg. of
18 Dilaudid. However, Respondent failed to account for the disposition of the remaining 1 mg. of
19 Dilaudid in any patient or hospital record.

20 d. On February 14, 2005, at 2223 hours, Respondent withdrew one
21 2 mg/1 ml. ampule of Morphine Sulfate, a controlled substance, from the Pyxis machine.
22 Respondent failed to chart the administration or wastage or otherwise account for the disposition
23 of the 2 mgs. of Morphine Sulfate in any patient or hospital record.

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25
26 1. Pyxis is a trade name for the automated single-unit dose medication dispensing system
27 that records information, including the patient name, physician orders, date and time the
28 medication was withdrawn, and the name of the individual who withdrew the drug.

Patient 3

e. On February 14, 2005, at 2024 hours, Respondent withdrew one 2 mg/1 ml. ampule of Dilaudid, a controlled substance, from the Pyxis machine without a physician's order therefor. Respondent failed to chart the administration or wastage or otherwise account for the disposition of the 2 mgs. of Dilaudid in any patient or hospital record.

Patient 4

f. On February 10, 2005, at 2023 hours, Respondent withdrew one 2 mg/1 ml. ampule of Dilaudid, a controlled substance, from the Pyxis machine without a physician's order therefor. Respondent charted the wastage of 2 mgs. of Dilaudid at 2114 hours, nearly one hour after removing it from the Pyxis machine.

Patient 5

g. On February 11, 2005, at 0354 hours, Respondent withdrew two 5 mg. tablets of Ambien, a controlled substance, from the Pyxis machine without a physician's order therefor. Respondent failed to chart the administration or wastage or otherwise account for the disposition of the two 5 mg. tablets of Ambien in any patient or hospital record.

Patient 6

h. On February 11, 2005, at 2145 hours, Respondent withdrew one 2 mg/1 ml. ampule of Dilaudid, a controlled substance, from the Pyxis machine when the physician's order called for only 1 mg. of Dilaudid. On February 12, 2005, at 0100 hours, Respondent charted the administration of 1 mg. of Dilaudid in the patient's Medication Administration Record, approximately three hours after she withdrew the drug from the Pyxis machine. Further, Respondent failed to account for the disposition of the remaining 1 mg. of Dilaudid in any patient or hospital record.

i. On February 12, 2005, at 0209 hours, Respondent withdrew one 2 mg/1 ml. ampule of Dilaudid, a controlled substance, from the Pyxis machine when the physician's order called for only 1 mg. of Dilaudid. Respondent failed to chart the administration or wastage or otherwise account for the disposition of the 2 mgs. of Dilaudid in any patient or hospital record.

Patient 7

j. On February 7, 2005, at 2000 hours, Respondent withdrew one 10 mg/1 ml. ampule of Morphine Sulfate, a controlled substance, from the Pyxis machine. Respondent charted the administration of 4 mgs. at 2000 hours and again at 2325 hours in the patient's Medication Administration Record, for a total of 8 mgs. of Morphine Sulfate. However, Respondent recorded the wastage of 4 mg. of Morphine Sulfate, which is not consistent with the record for this patient or the Pyxis machine.

k. On February 8, 2005, at 0013 hours and 0248 hours, Respondent withdrew two 10 mg/1 ml. ampules of Morphine Sulfate, a controlled substance, each time from the Pyxis machine. Respondent charted the wastage of a total of 12 mgs. of Morphine Sulfate, but failed to account for the disposition of the remaining 8 mgs. of Morphine Sulfate in any patient or hospital record

l. On February 8, 2005, at 0514 hours, Respondent withdrew one 1 mg. tablet of Ativan, a controlled substance, from the Pyxis machine. Respondent failed to chart the administration or wastage or otherwise account for the disposition of the 1 mg. tablet of Ativan in any patient or hospital record

Patient 8

m. On February 14, 2005, at 2127 hours, Respondent withdrew one 2 mg/1 ml. ampule of Morphine Sulfate, a controlled substance, from the Pyxis machine. Respondent failed to chart the administration or wastage or otherwise account for the disposition of the 2 mgs. of Morphine Sulfate in any patient or hospital record.

n. On February 8, 2005, at 2145 hours, Respondent withdrew one 2 mg/1 ml. ampule of Ativan, a controlled substance, from the Pyxis machine, for this patient when the physician's order called for 5 mgs. of Ativan. Respondent charted the wastage of 1 mg. of Ativan but failed to account for the disposition of the remaining 1 mg. of Ativan in any patient or hospital record

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number RN 251923
5 issued to Kathleen Anne Olson;

6 2. Revoking or suspending Nurse Practitioner License Number 1975 issued
7 to Kathleen Anne Olson;

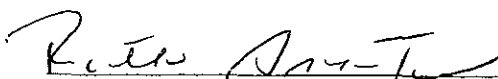
8 3. Revoking or suspending Nurse Practitioner Furnishing License Number
9 2616 issued to Kathleen Anne Olson;

10 4. Revoking or suspending Public Health Nurse License Number 22252
11 issued to Kathleen Anne Olson;

12 5. Ordering Kathleen Anne Olson to pay the Board the reasonable costs of
13 the investigation and enforcement of this case pursuant to Code section 125.3; and,

14 6. Taking such other and further action as deemed necessary and proper.
15

16 DATED: 4/18/07

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18 
19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant
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